

CHILD CARE LICENSING ADVISORY COMMITTEE

Cannon Health Building, Room 125

9:00 a.m., March 22, 1999

Members Present: Chris Bray; Joyce Hastings; Dianna Farr; Erin Bitterolf; Paula McGibbon; Tracy Halverson and Marilyn Macumber.

Members Absent: Sarah Croskell and Ursula Trueman.

Staff: Debra Wynkoop-Green; Bonnie Bigler; Joel Hoffman; David Eagar; Penny Knudson; Colleen Fitzgerald; Natalyn Shephard and Tamara Bennett.

The meeting was called to order at 9:10 a.m.

1. Welcome and Introduction

Ms. Bray welcomed all in attendance.

2. January 4, 1999 Minutes

Ms. McGibbon moved to accept the minutes of the November 2, 1998 meeting with the correction to Ms. Lowery's name on page two. Ms. Macumber seconded the motion. The **MOTION PASSED** unanimously.

Ms. Wynkoop-Green requested the Chair to identify people in the audience for easier identification for the minutes. Ms. Bray stated she will do so.

3. Licensure Actions/Sanctions

Mr. Eagar reported on the licensure actions/sanctions taken since the last meeting. He reported in February of 1999, 45 conditional licenses were issued statewide due to failure to complete the license renewal process. As of March 22, 1999, 25 additional conditional licenses were issued for the same reason. Ms. Bray inquired what the Bureau does when an application is not completed for renewal on time. Mr. Eagar stated that a conditional license is issued along with cover letter stating the reason for the issuance of it. Ms. Wynkoop-Green expounded on his response stating that the renewal packets are sent out 60 days prior to the expiration of their license. If the Bureau has not received any documents by the 15th of the month, a reminder letter is sent stating they have five working days to contact their licensor and state their intentions to renew or not. If there

is no response, a conditional license is then issued and they have 30 days to complete the process. If they still fail to complete the process, a revocation letter is sent to them. If they wish to do childcare, they will be required to start the process from the beginning as a new provider.

Mr. Hoffman and Ms. Knudson reported on the adverse actions taken by the Bureau since the last meeting as stated on the action/sanction chart.

4. Health and Safety Training

Ms. Higley presented a brief overview of the Health and Safety Training to the committee. She stated that approximately three years ago they received a grant to do health and safety training for child care providers. The goals of the grant are: (1) To provide a healthy and safe environment for children in child care; (2) Have information available for children with special health care needs; then to (3) Develop and maintain a network of resources to obtain and sustain healthy and safe child care environments through training and coordination. The grant coordinated many agencies to develop the curriculum for health and safety and to collaborate between the agencies and early childhood communities to articulate the curriculum. The comprehensive curriculum has been developed using nationally recognized standards resources. The curriculum is designed to be a ten-hour training, of five two-hour modules each on different topics, taught by registered nurses.

Ms. McGibbon stated she will be teaching the curriculum to Headstart providers in June. The classes are scheduled through the Child Care Resource and Referral (R&R) agency. She is expecting 25 people per class.

Ms. Farr inquired if a conference was scheduled, could the curriculum be taught there or could an overview on the curriculum be presented? Ms. Higley stated that it can be scheduled, coordination is through the local health department.

Ms. Higley stated that there is no cost for the class assessed by the Department, however, at the local level there may be a charge.

Ms. Bray inquired if the Department had advertised the training through the child care associations. Ms. Higley stated that no advertisement has been issued yet because they didn't have the resources for a mass advertisement of the program. To date, word of mouth has kept the local health departments busy. Ms. Wynkoop-Green stated that the intent was that everyone would do the initial ten-hour training this year. The second year, providers would only be required to do a two-hour refresher course.

Ms. Higley reported that a registered nurse (RN) will be hired in May 1999, and will be responsible to write the two-hour refresher course. Since this current course has brought about many system changes among agencies in the state, everyone who teaches health and safety will be using the same curriculum.

5. Parochial Education Exemption

Mr. Springmeyer reported that in 1997, the statute was modified and parochial education institutions, as well as parochial childcare institutions were affected. Since that time the Department has contacted 25 of the parochial institutions, six were programs exempted as parochial education programs, however 19 appear to be parochial childcare. Of those nineteen, only six have come forward and completed the licensing requirements. There are others that appear to be willing to license, but have not yet completed the licensing process. However, several programs have been very vocal indicating that either they believe that “parochial education institution” is broad enough to exclude them regardless of what kind of child care they may offer or that freedom of religion bars the government from intruding in what they believe is their religious mission. Given that fact, there appears to be a challenge to our efforts to compel licensure. Mr. Springmeyer proposed a rule be adopted to better clarify under what circumstances a given child care provider is declared an educational institution or a child care institution. He gave the committee draft rule number R430-8-3 exclusions from childcare licensing – parochial education institution for their review. The purpose would be to distinguish between those two types of childcare. Mr. Springmeyer went over the proposed rule with the committee.

Mr. Springmeyer stated that if the committee wishes for this to be tabled until the next meeting it would be fine, or if the committee felt comfortable with the proposed rule, the Department will forward the rule through the rule making process. Ms. Wynkoop-Green stated that this proposed rule would only effect nineteen providers. This rule would not effect centers. It is to define in rule what a parochial educational institution is.

Ms. Macumber inquired if “education” could be re-written as “religious education” in the definition so the rule cannot be misinterpreted. Mr. Springmeyer stated that he would be able to add a definition that would say that “three and only” applies to childcare provided at a parochial institution. He stated he is reluctant to add the word “religious.” When the government tries to decide whether the curriculum is religious, it causes First Amendment problems. Discussion Followed.

Mr. Springmeyer inquired if the four conditions listed in rule R430-8-3 are reasonable. Also, if the word “parochial” was taken out and “preschool” put in its place, would the preschools, as we believe they are operated, meet those same four conditions? Ms. Farr stated that preschools don’t generally have a “governing board.” If that could be changed to “owner/operator” it would fit. Ms. Bray asked the committee if they feel comfortable having the Department move forward with the suggested modifications. Ms. Farr motioned that the Department move forward with the suggested modifications and have R430-8-3 move onward to the rule making process. Ms. Macumber seconded the motion. The **MOTION PASSED** unanimously.

6. Update Legislation

Ms. Wynkoop-Green went over changes that will occur due to the legislative session. In Senate Bill 167 on the first page, number 26-39-102, the definition of “child” includes the provider’s children. Amendments to the ratios will need to be made to all child care rules. The proposed changes will be brought to the committee in May. The law does not go into effect until July 1, 1999.

On the second page, the make-up of the Child Care Licensing Advisory Committee is amended. Four additional members will be recruited to the committee. There will be two child care consumers, two licensed residential child care providers, one certified residential child care provider, and five representatives of licensed center child care providers. The recruitment will begin in the next month. Hopefully the names will be given to the Executive Directors so the members can be appointed by July 1, 1999.

On the third page, we were not required to codify administrative rules. That issue was reviewed by the Senate Standing Committee and was determined that what is in statute is appropriate at this time. Also being defined, the department will count the children under age 14 towards the minimum square footage for indoor and outdoor areas. Under the residential childcare certificate, 26-30-105, we have clarified it that the Department screens all covered individuals through DCFS management Information System.

On the last page, it will also require a rule change and notification to 274 residential certificate providers, to limit the residential provider from providing care to more than two children under the age of two, including their children under the age of four.

7. Meeting Schedule for 1999

Ms. McGibbon suggested moving the meeting date away from Mondays. The committee discussed possible dates and times and agreed on Thursdays at 9:00 a.m.

Ms. Wynkoop-Green stated that the meetings will also become quarterly meetings instead of every-other month.

8. Provider Appreciation Day

Ms. Bitterolf reported that the PFCCA is working on having childcare providers be recognized on May 7, 1999. The PFCCA is having each chapter plan events for the providers in their area. She then queried what the Bureau of Licensing will be doing. Ms. Wynkoop-Green stated that Certificates of Appreciation will be issued to all the providers 1998 that received no deficiencies.

Ms. Halverson stated that the PFCCA is looking for funding to send certificates and letters to licensed providers and placing an add in the newspaper. Along with the Certificates a form is being sent for the provider to nominate another provider who has gone above and beyond the required "duties."

Ms. Bitterolf stated that the food programs will be sending certificates to providers.

Ms. Gale Anderson, Center Owner, inquired if all licensed providers will be receiving certificates – centers included. Ms. Halverson responded saying yes all licensed providers will be receiving certificates, not RC's. Discussion Followed.

Ms. Bitterolf encouraged those in attendance and committee members to become involved in their communities to recognize childcare providers.

9. Family Child Care Closure

Ms. Bray inquired if the Food Program, Resource and Referral, Bureau of Licensing could coordinate data collection on childcare statistics. She would like is a central location where data is collected. Ms. Wynkoop-Green responded she would like the Bureau's form presented.

Ms. Bray stated that the current rules are not, what she feels, in the best interest for children. Utah has taken a big step back in childcare with regards to health and safety. Ms. Bray queried if it is possible to get centralized statistical information that will be available for newsletters, meetings, etc. Ms. Wynkoop-Green stated that quarterly pie charts are created which demonstrates the data of those who fail to renew a license. Statistics are also on the monthly report. Ms. Wynkoop-Green queried what statistics does Ms. Bray need.

Ms. Cathy Pappas, stated she agrees with Ms. Wynkoop-Green. It would not be statistically correct to have four different agencies accrue information from the same people and then combine that information. It is better to have a database as reliable as the Bureau's because they show all licensed providers and information from the exit interviews. This information is much more valid than trying to pull together all of the other entities that are gathering information. Discussion Followed.

Ms. Wynkoop-Green stated there is a person in Epidemiology that is developing child health indicators, she will see if that data addresses the concerns for health and safety. She stated that the legislators do not wish to be educated by us. It is the advocates job to educate the legislators. Ms. Wynkoop-Green stated that legislatures feel that statistics are a glossy mark-up and don't believe them. They didn't listen to their own legislative audit. The best thing we can do is collect data to educate ourselves and to encourage retention in the provider community. Discussion Followed.

10. Other Items

Ms. McGibbon motioned to adjourn the meeting. Ms. Farr seconded the motion. The **MOTION PASSED** unanimously.

The next meeting was scheduled for May 13, 1999 at 9:00 a.m. in conference room 101 of the Cannon Health Building. Please call Bonnie Winter at (801) 538-9084 and let her know if you are unable to attend.

The meeting adjourned at 11:25 p.m.